

TITLE 8
PROVISIONAL REMEDIES IN CIVIL ACTIONS

CHAPTER 6
RECEIVERS

8-601. GROUNDS FOR APPOINTMENT. A receiver may be appointed by the court in which an action is pending or has passed to judgment, or by the judge thereof:

1. In an action by a vendor to vacate a fraudulent purchase of property, or by a creditor to subject any property or fund to his claim, or between partners or others jointly owning or jointly interested in any property or fund, on the application of the plaintiff or of any party whose right to, or interest in, the property, or fund, or the proceeds thereof, is probable, and where it is shown that the property or fund is in danger of being lost, removed or materially injured.

2. In an action by a mortgagee for the foreclosure of his mortgage and sale of the mortgaged property, where it appears that the mortgaged property is in danger of being lost, removed or materially injured, or that the condition of the mortgage has not been performed, and that the property is probably insufficient to discharge the mortgage debt.

3. After judgment to carry the judgment into effect.

4. After judgment to dispose of the property according to the judgment, or to preserve it during the pendency of an appeal, or in proceedings in aid of execution, when an execution has been returned unsatisfied, or when the judgment debtor refuses to apply his property in satisfaction of the judgment.

5. In the case where a corporation has been dissolved, or is insolvent, or in imminent danger of insolvency, or has forfeited its corporate rights.

5-A. A receiver for an irrigation district may be appointed in an action brought by bondholders or other creditors, water users, and/or land owners of such irrigation district, where it is made to appear to the satisfaction of the court that such irrigation district has failed to elect its officers, or such officers have failed to qualify or are not acting, or such district has ceased to function, or has been abandoned, or is insolvent, or is in imminent danger of insolvency, or is being grossly mismanaged, or has been or ought to be dissolved, and there are rights or properties of such irrigation district which are threatened to become lost or dissipated, that should be preserved for the benefit of its creditors or other parties of interest in such irrigation district.

6. In all other cases where receivers have heretofore been appointed by the usages of courts of equity.

[(8-601) C.C.P. 1881, sec. 341; R.S. & R.C., sec. 4329; am. 1909, sec. 1, p. 26; reen. C.L., sec. 4329; C.S., sec. 6817; am. 1929, ch. 43, sec. 1, p. 52; I.C.A., sec. 6-601.]

8-601A. ADDITIONAL GROUNDS FOR APPOINTMENT OF RECEIVERS. (1) At any time after the filing for record of a notice of default and election to sell real property under a power of sale contained in a deed of trust, in accordance with the provisions of section [45-1505](#)(3), Idaho Code, the trustee or beneficiary of the deed of trust may apply to the district court for the county in which the property or any part of the property is located for the

appointment of a receiver of such property and of any personal property subject to the deed of trust or to related security documents.

(2) A receiver may be appointed, pursuant to the provisions of subsection (1) of this section, or of section [8-601](#), Idaho Code, where it appears that personal property subject to the deed of trust or mortgage, or to related security documents, is in danger of being lost, removed, concealed, materially injured or destroyed, that real property subject to the deed of trust or mortgage is in danger of substantial waste or that the income therefrom is in danger of being lost, or that the property is or may become insufficient to discharge the debt which it secures.

[8-601A, added 1993, ch. 280, sec. 1, p. 949.]

8-602. APPOINTMENT UPON DISSOLUTION OF CORPORATION. Upon the dissolution of any corporation the district court of the county in which the corporation carries on its business or has its principal place of business, on application of any creditor of the corporation, or of any member or stockholder thereof, may appoint one (1) or more persons to be receivers or trustees of the corporation, to take charge of the estate and effects thereof, and to collect the debts and property due and belonging to the corporation, and to pay the outstanding debts thereof, and to divide the moneys and other property that shall remain over, among the stockholders or members.

[(8-602) C.C.P. 1881, sec. 342; R.S., R.C., & C.L., sec. 4330; C.S., sec. 6818; I.C.A., sec. 6-602.]

8-603. WHO MAY BE APPOINTED -- UNDERTAKING UPON EX PARTE APPOINTMENT -- ADDITIONAL UNDERTAKING. No party, or attorney, or person interested in an action, can be appointed receiver therein, without the written consent of the parties filed with the clerk. If a receiver be appointed upon an ex parte application, the court, before making the order, may require from the applicant an undertaking, with sufficient sureties, in an amount to be fixed by the court, to the effect that the applicant will pay to the defendant all damages he may sustain by reason of the appointment of such receiver and the entry by him upon his duties, in case the applicant shall have procured such appointment wrongfully, maliciously or without sufficient cause; and the court may, in its discretion, at any time after said appointment, require an additional undertaking.

[(8-603) C.C.P. 1881, sec. 343; R.S., R.C., & C.L., sec. 4331; C.S., sec. 6819; I.C.A., sec. 6-603.]

8-604. OATH AND BOND OF RECEIVER. Before entering upon his duties the receiver must be sworn to perform them faithfully, and with one (1) or more sureties, approved by the court or judge, execute an undertaking, to such person and in such sum as the court or judge may direct, to the effect that he will faithfully discharge the duties of receiver in the action, and obey the orders of the court therein.

[(8-604) C.C.P. 1881, sec. 344; R.S., R.C., & C.L., sec. 4332; C.S., sec. 6820; I.C.A., sec. 6-604.]

8-605. POWERS OF RECEIVER. The receiver has, under the control of the court, power to bring and defend actions in his own name, as receiver; to

take and keep possession of the property, to receive rents, collect debts, to compound for and compromise the same, to make transfers, and generally to do such acts respecting the property as the court may authorize.

[(8-605) C.C.P. 1881, sec. 345; R.S., R.C., & C.L., sec. 4333; C.S., sec. 6821; I.C.A., sec. 6-605.]

8-606. INVESTMENT OF FUNDS. Funds in the hands of a receiver may be invested upon interest, by order of the court; but no such order can be made except upon the consent of all the parties to the action.

[(8-606) C.C.P. 1881, sec. 346; R.S., R.C., & C.L., sec. 4334; C.S., sec. 6822; I.C.A., sec. 6-606.]